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General Counsel

OGC HAS REVIEWED. 26 October 1949

Deputy Budget Officer

Periodic Promotions for Temporary Indefinite Employees

1. Reference is made to the attached copy of a memorandum to the Chief, Personnel Division, prepared by [REDACTED] on 7 October 1949 wherein certain proposals are made with respect to remedial action concerning the difficulties which have been encountered because of the use of the term "temporary indefinite" in connection with the appointment of certain employees thus apparently precluding, under existing regulations, the granting of periodic within-grade promotions at regular intervals of twelve and eighteen months. [REDACTED] of the General Counsel rendered a decision on this matter under date of 22 July 1949.

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2. The use of time limitation appointments for "security" or similar reasons will, as indicated by [REDACTED] occasion the need for making numerous lump sum payments for leave purposes which it is desired to avoid if at all possible. In connection with future appointments where an individual is given a provisional appointment while awaiting full investigation there is for consideration the fact that under the Classification Act of 1949 the Central Intelligence Agency is exempted (refer to the memorandum of 20 October 1949 to the Executive from the Assistant General Counsel regarding this matter). It is believed that this exemption from the current Classification Act should be considered insofar as its possible effect on the problem "temporary indefinite" employees as discussed in [REDACTED] memorandum of 7 October 1949 since all action hereafter taken may be considered as purely "administrative" to be handled on an internal basis even though basic classification appointment and pay laws and regulations are followed as a guide.

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3. It is understood that the Personnel Director is giving this problem consideration in the light of [REDACTED] decision of 22 July 1949. It is desired that all aspects of the matter from an internal viewpoint be fully considered before an approach is made to General Accounting Office representatives since our action in the future may have some effect on our determination as to the disposition of cases which have occurred in the past while CIA was covered by the Classification Act of 1923 as amended. The possibility that the General Accounting Office will, under the circumstances, refrain from requiring collections for the amounts paid under periodic promotion actions applicable to temporary indefinite employees appears to be worthy of consideration.

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